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# Items of Interest in Seed Control

## Winter 2000

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Seed Regulatory and Testing Branch  
Room 209, Building 306, BARC-East  
Beltsville, Maryland 20705-2325  
Regulatory: 301-504-9430; Fax 301-504-5454  
Testing: 301-504-8089; Fax 301-504-8098  
<http://www.ams.usda.gov/lsg/seed/ls-sd.htm>



## **NEW BOTANIST JOINS THE BRANCH**

On November 22, 1999, the Seed Regulatory and Testing Branch (SRTB) welcomed **Pattsy R. Jackson** as a botanist on our staff. She came to us from the USDA Agricultural Research Service where she had been working with Dr. Robert Yaklich on soybean research. Pattsy received her Master of Science degree in plant science from Alabama A & M University and her Bachelor of Science in environmental science from California University, California, PA. We are very pleased to have her with us.

## **UPCOMING FEDERAL SEED SCHOOL**

The Oregon State Seed Laboratory will be hosting a Federal Seed School, May 23-25, 2000, in Corvallis, OR. Botanists Susan Maxon and David Bitzel will be the instructors. The main emphasis will be purity testing and identification of crop and weed seeds of interest to participating seed analysts. Specific germination problems will be addressed also. Due to the hands-on nature of the training and one-on-one attention of the instructors, participation will be limited to 20. For more information, contact Susan Maxon (phone 301-504-8089; fax 301-504-8098; e-mail [susan.maxon@usda.gov](mailto:susan.maxon@usda.gov)).

## **UNDESIRABLE GRASS SEED INFORMATION FOR CHAIN STORES**

In an attempt to lessen the number of noxious-weed seed violations that occur in the six states that have undesirable grass seeds as a part of their noxious-weed seed labeling requirements, we sent an informational letter to chain stores that sell lawn and turf seed in those states. As another avenue for informing commercial personnel as well as other state personnel who might be able to assist in this effort, we are including the text of our letter:

We are sending this letter to large retail chain stores that sell packaged seed products (especially lawn seed products) in the northeastern and mid-Atlantic states. Six contiguous states (Delaware, Maryland, New Jersey, Pennsylvania, Virginia, and West Virginia) in this geographic area have an additional noxious-weed seed labeling requirement for lawn and turf seed products sold in their states. These noxious-weed seeds are referred to as "undesirable grass seeds." This letter is written to make you and the appropriate personnel in your company aware of this additional labeling requirement so that you can remind the seed companies that supply your stores to appropriately label seed for these states.

The retail chains we are contacting have warehouse distribution points that may or may not be in one of these six states. Often seed suppliers correctly label the seed for the state in which the warehouse they deliver to is located. If that warehouse is outside these six states, then your seed products may not be labeled for undesirable grass seeds.

All six of the states involved have the same undesirable grass seed requirements so correct labeling for one will suffice for all six. The undesirable grass seeds that are required to be labeled as noxious-weed seeds, if found in lawn and turf seed, sold in these states are:

<u>Common name</u>	<u>Botanic name</u>
Bentgrass (creeping, colonial, velvet)	<i>Agrostis spp.</i>
Bermudagrass (common and giant)	<i>Cynodon dactylon</i>
Bluegrass, annual	<i>Poa annua</i>
Bluegrass, rough	<i>Poa trivialis</i>
Fescue, meadow	<i>Festuca pratensis</i>
Fescue, tall	<i>Festuca arundinacea</i>
Orchardgrass	<i>Dactylis glomerata</i>
Redtop	<i>Agrostis gigantea</i>
Timothy	<i>Phleum pratense</i>
Velvetgrass	<i>Holcus lanatus</i>

Your seed suppliers should be well aware of this labeling requirement and should be able to label your seed without difficulty. If you ship lawn or turf seed containing undesirable grass seed from a warehouse in a state that does not regulate undesirable grass seed to a store in one of the listed six states and any of these undesirable grass seeds are present but not labeled as noxious-weed seeds, then your company would be responsible for that mislabeling under the provisions of the Federal Seed Act.

If you have questions, please feel free to contact us.

## UNDESIRABLE GRASS SEED

A provision of the Federal Seed Act (FSA) involves enforcement of the noxious-weed seed law of each State. The States of Delaware, Maryland, New Jersey, Pennsylvania, Virginia, and West Virginia define undesirable grass seeds as noxious-weed seeds in lawn and turf seed products. Therefore, undesirable grass seeds are enforced as noxious-weed seeds under the FSA.

As the name indicates, undesirable grass seeds are grass seeds that, for whatever reason, are undesirable in a particular use. An example would be that one does not want orchardgrass in a lawn that is a turf-type perennial ryegrass and red fescue mixture. In other words, for this particular usage orchardgrass is undesirable.

Undesirable grass seed testing and labeling seem to be misunderstood. Often, seed laboratories do not test for undesirable grass seeds as part of an all-states noxious-weed seed examination. When an "***all-states'* noxious**" examination is done, undesirable grass seeds are noxious-weed seeds and should be shown as such. If undesirable grass seeds are not included in the all-states noxious-weed examination, the test report should make it **absolutely clear** that the sample was not tested for undesirable grass seeds. The laboratories and their clients must decide whether this is accomplished by giving the test another title or by some other means. As the situation currently exists, some seed companies are interpreting an all-states noxious examination as always including an examination for undesirable grass seeds. Conversely, **small notations that say the seed was not tested for undesirable grass seeds are being overlooked** and seed is being shipped into States that do regulate undesirable grass seeds. Both of these scenarios pose the potential for serious violations.

Another issue that arises is that seed kinds that are undesirable grass seeds are shown under the other crop seed section of a seed test rather than as a noxious-weed seed. Since they are grass seeds, many seed people tend not to think of undesirable grass seed in terms of being a noxious-weed seed. If a test report shows undesirable grass seeds in the other crop seed section and you are going to label and ship the seed to a State that enforces undesirable grass seed, the undesirable grass seeds must be relabeled as noxious-weed seeds and included in the weed seed portion of the purity components.

## QUESTIONS AND ANSWERS

*Are containers of different sizes (containing the same seed product and bearing the same lot number) considered to be the same lot for regulatory purposes?*

Yes. In our opinion, a seed lot may be comprised of seed in different sized containers provided the containers of each size have the same lot number. As an example, a lawn seed mixture, with one lot number, packaged in 1-pound, 3-pound, and 5-pound containers is one lot.

*What size container is considered to be a "small container" for Federal Seed Act regulatory purposes?*

We consider container sizes of 15 pounds and less to be small containers. Section 201.42 of the Federal Seed Act Regulations Part 201 allows for sampling small seed containers when it is not practical to sample as required for bags. Sampling a portion of one unopened container or taking one or more entire unopened containers supplies a minimum size sample for regulatory purposes.

*Should a seed lot number be changed after the seed lot is treated?*

Yes. If part of the lot is treated, the treated part must have a different lot number than the untreated part. Even if all of the lot is treated, the lot number should be changed to represent the treated lot.

*Can untreated seed be tested and the test results be used for labeling treated seed?*

No. The sample to be tested must also be treated if it is to represent the treated lot. The lot number of the test report must also match the lot number of the treated lot.

*What is the acceptable way to label germination and hard seed percentages?*

Hard seeds are defined in Section 201.57 of the Federal Seed Act (FSA) Regulations as seeds which remain hard at the end of the prescribed test because they have not absorbed water due to an impermeable seed coat. Hard seededness is a condition that occurs in certain plants such as legumes, okra, cotton, and dichondra. For a lot having hard seed, the percentage of germination and the percentage of hard seed are reported separately on the label. We also allow the combined total of the two percentages to be shown as "Total germination and hard seed" or just as "Total." However, use of the phrases "Total germ" or "Total germination" to indicate the total of the germination plus hard seed percentages is misleading and in violation of the FSA since all hard seeds do not necessarily germinate.

*Can grass seed be labeled for hard seed?*

No. Grasses do not have hard seed, but they may have dormant seed. Grass seeds that are viable but which fail to germinate when provided appropriate germination conditions are "dormant" and should be labeled as such. Section 201.57a of the Federal Seed Act Regulations provides procedures for determining viability of ungerminated seeds. This section lists several kinds (including bahiagrass, the bluestems, switchgrass, western wheatgrass, and others) for which the percentage of dormant seed, if present, must be determined in addition to the percentage of germination. For a lot having dormant seed, the percentage of germination and the percentage of dormant seed must be reported separately on the label. Just as in the case of hard seed, the total of these two percentages may be shown as additional information, as long as it is clearly labeled as "Total germination and dormant seed" and not presented misleadingly as "Total germ" or "Total germination."

*When does the most recent Federal Seed Act Regulation revision go into effect?*

The effective date for the revised Federal Seed Act Regulations is 30 days after the Regulations' final publication in the Federal Register; an exception exists for section 210.16(b) of the Regulations which becomes effective 1-year after final publication in the Federal Register. Section 201.16(b) contains the list of Federal Noxious Weed Act seeds (except for dodder species). Seeds of these species are considered prohibited noxious-weed seeds with no tolerance allowed if found in interstate shipments of seed. As this issue of the Items of Interest goes to press, publication of the Regulations in the Federal Register is pending. When the revised Regulations become effective, the Regulations and their effective date will be on our web page (<http://www.ams.usda.gov/lsg/seed/Is-sd.htm>).

*To be in compliance with the amendment of the Federal Seed Act Regulations, are vegetable seeds required to be labeled to show the presence of noxious-weed seeds?*

No. Vegetable seed containing any of the noxious-weed seeds listed in Section 201.16(b) of the Federal Seed Act Regulations is prohibited from shipment or delivery for transportation in interstate commerce. Labeling the rate of occurrence of a specific prohibited noxious-weed seed does not allow it to be present in seed shipped interstate.

Also, this amendment does not require that interstate shipments of vegetable seeds be labeled for any other state required noxious-weed seeds.

## RYEGRASS FLUORESCENCE LIST

We have not received any changes from the National Grass Variety Review Board since our last issue.

Perennial Ryegrass Variety Name	Percent Varietal Fluorescence	Perennial Ryegrass Variety Name	Percent Varietal Fluorescence	Perennial Ryegrass Variety Name	Percent Varietal Fluorescence
246	0.27%	Gator	0.88%	Rosalin <sup>1</sup>	3.26%
2CB	1.97%	Gettysburg	2.74%	Saturn II	0.85%
856	0.87%	Goalkeeper	0.82%	Seville <sup>3</sup>	0.33%
89-90	2.15%	Greenland	1.20%	Sherwood	1.08%
90-14 <sup>1</sup>	7.12%	Grimalda	2.00%	Shining Star	0.10%
A + 96 <sup>1</sup>	0.92%	Headstart	2.09%	Sonata	1.20%
A7 White <sup>1</sup>	2.19%	ISI-RUPR (Gator II) <sup>1</sup>	2.50%	SR 4100 <sup>3</sup>	0.37%
Academy	2.33%	Jiffie	6.06%	SR 4200	0.34%
Accent	0.56%	Laredo	0.53%	Stallion Select	2.37%
Accolade	4.83%	Legacy	0.37%	Stallion Supreme	1.16%
Accord	4.08%	Lindsay	1.72%	Stardance	1.90%
Achiever	0.93%	Line Drive	2.72%	Statesman	1.27%
Advent	0.14%	Linn	5.00%	Statesman II	8.42%
Affinity	0.77%	Lowgrow <sup>3</sup>	1.31%	Sunshine <sup>1</sup>	2.65%
Agresso	2.00%	Lowgrow II	1.35%	Target	3.28%
All * Star	0.47%	LRF-94-C8 <sup>1</sup>	0.64%	Tonga	11.53%
Allaire II	1.15%	Lynx	4.19%	TopGun <sup>1</sup>	0.54%
APM	0.59%	Magic	1.21%	Top Hat	0.77%
Aquarius	0.97%	Majesty	1.59%	Topeka	2.34%
Archer	1.51%	Manhattan II <sup>3</sup>	0.65%	Tove	17.48%
Ascend	3.09%	Manhattan	0.88%	Twister	3.85%
Assure	0.72%	Mardi Gras	1.07%	Vantage	2.19%
Bedford	1.40%	Monterey <sup>1</sup>	2.64%	Vivid	1.24%
Bella	0.65%	Morningstar	0.87%	Wind Dance	1.17%
Blackhawk	1.17%	Mulligan	1.86%	Wind Star	0.47%
Blazer III	1.18%	Navajo <sup>3</sup>	0.37%	Wizard <sup>3</sup>	2.57%
Boardwalk	2.72%	Newlinn	5.85%	WVPB-93-KFK <sup>1</sup>	3.84%
Breeze	1.57%	NightHawk	1.39%	WVPB-PR-C-2, C-2 <sup>1</sup>	8.65%
Brightstar	1.79%	Nobility	7.53%	WVPB-PR-Koos-95-9 <sup>1</sup>	6.85%
Brightstar II	2.24%	Nomad	1.03%	WVPB-PR-RS-2 <sup>1</sup>	1.59%
Buccaneer	7.44%	Nova	1.00%	Yorktown III	1.42%
Buccaneer II	5.48%	Omega 3	0.73%		
CIS-MBH	1.27%	Omni	0.51%	Annual	Percent
C-21	6.28%	Pageant	2.22%	Ryegrass	Varietal
Caddieshack <sup>1</sup>	0.88%	Palmer	1.04%	Variety Name	Fluorescence
Caliente	0.74%	Palmer II	1.51%	Florida 80	98.89%
Calypso	1.29%	Palmer III	0.23%	Grazer	99.78%
Calypso II	0.47%	Panther	1.18%	Gulf	99.02%
Catalina	3.18%	Passport <sup>3</sup>	1.06%	Jackson	98.80%
Cathedral	0.85%	Patriot II	0.42%	Magnolia <sup>2</sup>	---
Chaparral	1.62%	Pearl	1.86%	Marshall	96.00%
Charger II	0.54%	Pegasus	2.41%	Rio <sup>1</sup>	98.97%
Charisma	2.39%	Pennant	0.50%	Surrey	98.91%
Chatham <sup>1</sup>	2.11%	Pennant II	1.63%	TAM 90	98.45%
Citation III	0.96%	PICK Lp Q-93 <sup>1</sup>	6.44%		
Commander	1.02%	Pleasure	4.09%	<sup>1</sup> Experimental Designation and/or Variety	
Cutter	1.65%	PR8820	0.79%		
Dancer	0.78%	Prelude	1.72%		
Dandy	2.00%	Prelude II	2.25%	<sup>2</sup> Exempt from varietal fluorescence testing calculations.	
Delaware Dwarf	2.60%	Prelude III	0.59%		
Derby Supreme	2.85%	Prizm	0.71%		
Dillon	4.14%	Protocol	4.30%	<sup>3</sup> The NGVRB is now listing OECD synonym names. These names are not acceptable for sale in the United States and are included for informational purposes. The variety and its OECD synonym shown in italics are: <i>Excel-Romadera</i> , <i>Fiesta II--Pickwick</i> , <i>Lowgrow--Lex86</i> , <i>Manhattan II--Numan</i> , <i>Navajo--Comanche</i> , <i>Passport--Romeo</i> , <i>Repel II--Verdi</i> , <i>Seville--Leonardo</i> , <i>SR4100--Athena</i> , and <i>Wizard--Sardinero</i> .	
Divine	3.09%	Quickstart	0.18%		
DS95-201 (Enchanted) <sup>1</sup>	1.12%	R2	1.25%		
Edge	1.73%	Racer <sup>1</sup>	1.23%		
Elegance	1.51%	Regency	0.99%		
Elf	0.75%	Repell	0.33%		
Elite	4.84%	Repell II <sup>3</sup>	1.56%		
Envy	0.22%	Repell III	0.80%		
Equal	1.98%	Reveille	2.00%		
Evening Shade	1.17%	Riviera	0.58%		
Excel <sup>3</sup>	1.53%	Riviera II	1.08%		
Express	4.00%	Roadrunner	2.53%		
Fiesta II <sup>3</sup>	1.14%	Rodeo II	2.47%		



**Deletions Of  
Plant Variety Protection  
Certificates**



PLANT VARIETY PROTECTION CERTIFICATES  
**(Expired** November 14, 1999, through December 31, 1999)

KIND	VARIETY	APPLICANT	TITLE V (GEN.)	1994 PVPA
CHRYSANTHEMUM				
Applause Bronze	Shades	Harris Moran Seed Company		
Applause Lavender	Shades	Harris Moran Seed Company		
Applause White	Shades	Harris Moran Seed Company		
Applause Yellow	Shades	Harris Moran Seed Company		
COTTON				
Delcot 311		Curators of the University of Missouri	Y	(3)
Deltapine 120		Delta and Pine Land Company		
Deltapine SR-980		SeedCo Corporation		

(\*) No limit to the number of generations of certified seed beyond breeders seed.

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